

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

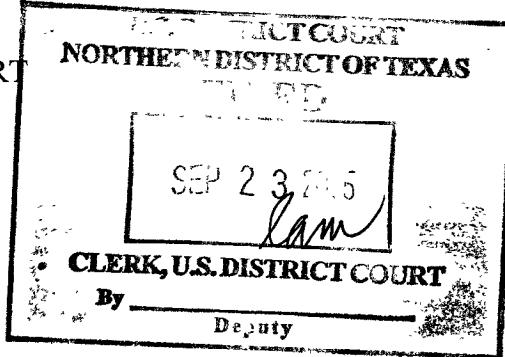
MICHAEL ANTHONY DAVIS

Petitioner,

VS.

DOUGLAS DRETKE, Director
Texas Department of Criminal Justice,
Correctional Institutions Division

Respondent.



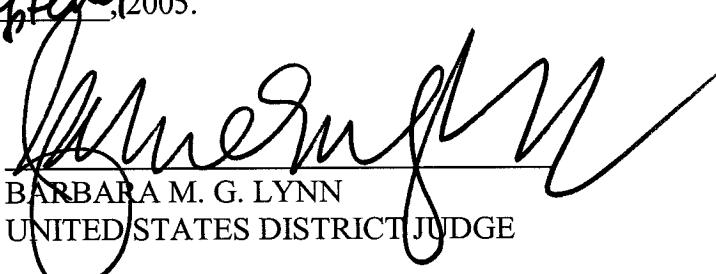
NO. 3:05-CV-1512-M

**ORDER ACCEPTING IN PART THE FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After conducting a review of the pleadings, files and records in this case, and the Findings and Recommendation of the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1), I am of the opinion that the Findings and Recommendation of the Magistrate Judge are correct and they are hereby accepted as the Findings of the Court; however, the Court will not dismiss the case as recommended. Instead, the Court transfers this case to the Fifth Circuit to determine if this successive motion for post conviction relief should be permitted.

IT IS, THEREFORE, ORDERED that the Findings and Recommendation of the United States Magistrate Judge are accepted in part.

SO ORDERED this 23 day of September, 2005.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE